

Remarks

This communication is considered fully responsive to the Office Action. Claims 1-3 and 5-25 were examined. Claims 1-3 and 5-25 stand rejected. Claims 1, 5, and 6 are amended. It is noted that claims 5 and 6 are amended to properly depend from claim 1. No claims are currently canceled. No new claims are currently added. Reexamination and reconsideration of the pending claims are respectfully requested.

Claim Rejections - 35 U.S.C. 101

The Office Action rejected claims 1-3 and 5-11 under 35 U.S.C. 101 as being directed to non-statutory subject matter. Specifically, the Office Action states that the claim recitations do “not necessarily define any structural and functional interrelationships between the instructions and a computer device which would allow the functionality of the instructions to be realized.” Applicant has amended claim 1 to recite a “processor-readable medium comprising processor-executable instructions which when executed configure a processor.” Applicant believes that this amendment overcomes the Section 101 rejection. However, the Examiner is invited to telephone the below-listed attorney if further clarification is believed necessary to put the claims in condition for allowance.

Claim Rejections - 35 U.S.C. 103(a)

The Office Action rejected claims 1-3 and 5-25 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,879,342 to Miller, et al.

("Miller") in view of U.S. Patent No. 6,743,094 to Sheasby, et al. ("Sheasby").

Applicant respectfully traverses this rejection.

Claim 1 recites "locking an image in place on the display screen" and "scrolling images behind the locked image, wherein the locked image partially covers the scrolling images." The combination of Miller and Sheasby fails to teach or suggest at least these recitations.

The Office Action cites to Miller as disclosing "scrolling images," but admits that Miller fails to disclose locking an image in place and scrolling images behind the locked image. Instead, the Office Action relies on Figure 8 and col. 6, lines 45-53 in Sheasby as disclosing these features and concludes that the claim recitations would be an obvious combination of the teachings in Sheasby and Miller.

First, Sheasby discloses a comparison view, but fails to disclose scrolling images. Accordingly, there is nothing to be "locked" in Sheasby because nothing is being scrolled. Second, it is unclear which image the Examiner relies on as being locked in Sheasby.

Although the Office Action states that the Examiner is relying on item 50 in Figure 8 as being the "locked" image, item 50 is not an image at all. Instead, Sheasby refers to item 50 throughout the specification as being a "comparison view." The comparison view cannot properly be interpreted as being a "locked" image.

For purposes of argument, Applicant considered if image 122 were interpreted as being the "locked" image, and image 116 were interpreted to be the "scrolling" image. Sheasby states that image 116 is overlaid on image 122.

See, e.g., col. 3, lines 3-4 stating “FIG. 8 is a view of the comparison view of FIG. 7 overlaying the clip of FIG. 6 [i.e., image 116].” Therefore, even if image 122 can be interpreted as being “locked,” image 122 does not partially cover image 116.

Still for purposes of argument, Applicant considered if image 116 were interpreted as being the “locked” image, and image 122 were interpreted to be the “scrolling” image. If image 116 is “locked” then it cannot also be “overlaid” on image 122 *because it is “locked.”*

In addition, combining the comparison view 50 in Sheasby with Miller would still result in something far different than the claim recitations. Specifically, the combination would result in a comparison view in place of the selected image 38. This still does not teach or suggest the claim recitations.

Furthermore, Miller teaches against the proposed combination with Sheasby. That is, Miller shows a list of images displayed *beneath* the selected image so that the user can *see both the selected image and the list of images*. See, e.g., Figure 2. Even if the selected image 38 were to be “locked,” this would serve no purpose in Miller.

For at least the foregoing reasons claim 1 is believed to be allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of claim 1.

Claims 2-3 and 5-12 depend from claim 1, which is believed to be allowable. Therefore, claims 2-3 and 5-12 are also believed to be allowable for at least the same reasons as claim 1. Withdrawal of the rejection of claims 2-3 and 5-12 is respectfully requested.

In addition, claim 5 further recites “wherein the locking an image comprises justifying the image at one edge of the display screen.” The Office Action states that the image in Sheasby is locked at a justified position at one edge of the display screen as shown in Figures 8 and 9. However, while Sheasby shows the images within the comparison view 50, there is no disclosure of either image 122 or 116 being locked or justified.

Claim 6 further recites “unlocking a locked image; locking a new image in place on the display screen; and scrolling images behind the new image.” The Office Action relies on the flow chart shown in Figure 4 and the disclosure at col. 6, line 45 to col. 7, line 3 in Sheasby. Although this is a disclosure of displaying the images 116 and 122 in the comparison view 50, there is no disclosure of unlocking a locked image, locking a new image in place on the display screen, and scrolling images behind the new image.

Claim 7 further recites “processor-executable instructions configured for altering the number of images being scrolled across the display screen.” Here the Office Action relies on Figure 7 and the discussion at col. 7, lines 44-65 in Miller. While Miller notes that “the user may scroll through the images at a rate which exceeds the ability of storage 8 and processor block 6 to retrieve and display the low resolution versions of all of the images . . .” and hence the processor can only acquire and display interspersed ones of the low resolution images (see, e.g., col. 7, lines 44-53), there is no disclosure of processor-executable instructions configured for altering the number of images being scrolled across the display screen.

Claim 13 recites “displaying the images as a scrolling slideshow on a

display screen of the digital camera” and “locking an image in place while simultaneously scrolling other images.” The combination of Miller and Sheasby fails to teach or suggest at least these recitations, e.g., for reasons more fully discussed above with reference to claim 1.

Claims 14-16 depend from claim 13, which is believed to be allowable. Therefore, claims 14-16 are also believed to be allowable for at least the same reasons as claim 13. Withdrawal of the rejection of claims 14-16 is respectfully requested.

In addition, claim 15 further recites “justifying the locked image at one side of the display screen” and “wherein scrolling other images comprises scrolling the other images behind the locked image.” These recitations are not taught or suggested by the cited references for the reasons discussed above for claims 1 and 5.

Claim 17 recites “a scrolling slideshow module configured to scroll the captured images across the display screen, thereby performing a scrolling slideshow, and configured to lock one of the captured images in place during the scrolling slideshow and continue to lock one of the captured images as the scrolling slideshow continues.” The combination of Miller and Sheasby fails to teach or suggest at least these recitations, e.g., for reasons more fully discussed above with reference to claim 1 and claim 13.

Claims 18-21 depend from claim 17, which is believed to be allowable. Therefore, claims 18-21 are also believed to be allowable for at least the same reasons as claim 17. Withdrawal of the rejection of claims 18-21 is respectfully requested.

Claim 22 recites “means for scrolling the images across a display screen as a scrolling slideshow,” “means for locking an image in place on the display screen during the scrolling slideshow,” and “means for continuing the scrolling slideshow with one of the captured images locked in place on the display screen.” The combination of Miller and Sheasby fails to teach or suggest at least these recitations, e.g., for reasons more fully discussed above with reference to claim 1 and claim 13.

Claim 23 depends from claim 22, which is believed to be allowable. Therefore, claim 23 is also believed to be allowable for at least the same reasons as claim 22. Withdrawal of the rejection of claim 23 is respectfully requested.

Conclusion

The Applicant respectfully requests that a timely Notice of Allowance be issued in this matter.

Respectfully Submitted,

/Mark D. Trenner/

Dated: July 2, 2008

By: _____

Mark D. Trenner
Reg. No. 43,961
(720) 221-3708